



Lennon,  
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ATTORNEYS AT LAW

July 17, 2007

**By Hand**

Hon. William H. Pauley  
United States District Judge  
United States District Court  
500 Pearl Street, Room 2210  
New York, NY 10007

**MEMO ENDORSED**

**Re: The Rice Co. v. Express Sea Transport Corp.**  
Docket No.: 07 Civ. 7077 (WHP)  
LML ref: 1213

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**USDC SDNY**  
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Dear Judge Pauley:

We represent the Defendant, Express Sea Transport Corp., in the above-captioned case. Together with opposing counsel, we write to provide the Court with the status of this matter and to request an adjournment of the pre-trial conference scheduled for Friday, July 18, 2008.

On August 14, 2007, an Ex Parte Order authorizing process of maritime attachment was issued permitting restraint of Defendant's property in the hands of garnishee banks located within the Southern District of New York. Despite daily service of the Writ of Attachment on the garnishee banks, none of Defendant's property has been restrained. We have been informed by Defendant's counsel that the underlying arbitration has been initiated and is apparently proceeding in the usual course. We have not yet received an update from our client, however, if we receive contrary information, we will notify the Court immediately.

As no funds have been attached and the underlying arbitration is apparently still proceeding, we respectfully request a ninety (90) day adjournment of the pre-trial conference. Defendant further reserves its right to request that this case be dismissed, as no funds have been attached and jurisdiction is thus absent.

Should your Honor have any questions or comments we are available to discuss the same at any convenient time to the Court. We thank your Honor for consideration of this request.

Respectfully submitted,

*Nancy R. Siegel / MEM*

Nancy R. Siegel

cc: **Via Facsimile: (212) 669-0699**  
Keith B. Dallen, Esq.  
Thomas Willoughby, Esq.

*Application granted.*  
**SO ORDERED:**

*William H. Pauley III*  
**WILLIAM H. PAULEY III U.S.D.J.**

*The conference is adjourned to August 22, 2008 at 10:15 a.m.*